IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5600 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G S R T C

Versus

PURSHOTTAMDAS MOHANLAL SHAH

Appearance:

1. Special Civil Application No. 5600 of 1991

MR HARDIK C RAWAL for Petitioner No. 1

SERVED BY AFFIX.-(R) for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 12/04/2002

ORAL JUDGEMENT

1. Heard Mr. K.N. Rawal learned advocate appearing on behalf of the petitioner. Though the notice of Rule has been issued to the respondent, he has not remained present in the present proceedings nor he has engaged any advocate to appear on his behalf. Therefore, the matter

is taken up for hearing in absence of the respondent workman.

2. In the present petition, the Labour Court has passed the award in Recovery Application No. 583/82 dated 31-7-1990 directing the petitioner Corporation to pay Rs.137-35 ps. to the respondent workman.

3. I have considered the submissions made by the learned counsel for the petitioner and perused the award dated 31-7-1990 passed by the Labour Court, Ahmedabad in Recovery Application No.583/82. Therefore, according to my opinion, the Labour Court has not committed any error in passing the impugned award. The Labour Court has also not committed any jurisdiction error. The Labour Court has not committed any procedural irregularities. The Labour Court has considered the evidence on record and discussed the issue in detail and applied its mind and ultimately granted amount of Rs.137-35 ps. with costs of Rs.100/- in favour of the respondent workman which is just and reasonable which requires no interference by this Court while exercising extra ordinary power under Article 226 and 227 of the Constitution of India. Hence there is no substance in the petition. Therefore, the present petition is dismissed. Rule is discharged, with no order as to costs.

Sd/-

(H.K. Rathod, J.)

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/JVSatwara/